

CHAPTER 18

MARRIAGE

Summary

- I. The solemn teaching of the Church.
- II. The Sacrament defined. Its Ministers and its Subjects.
- III. Differences between marriage and other contracts. The nature of the bond: marriage a Covenant in Christ and the Church. The effects of the Sacrament. The obligations it imposes. Marriage, the family, the Church and society.
- IV. Marriage is a Sacrament instituted by Christ: Proof: (1) from the solemn teaching of the Church; (2) from Sacred Scripture; (3) from Tradition; (4) from Reason.
- V. The unity and indissolubility of Marriage. The Fathers on indissolubility.
- VI. The qualities of married love. The purposes and goods of marriage. Sins against marriage.
- VII. Dissolution. Separation. Divorce. Annulment. The Pauline privilege. The privilege of the faith.
- VIII. The Church's exclusive control over Christian Marriage. The rights of the State: so-called civil marriage and divorce.
- IX. The impediments of Matrimony.
- X. Matrimonial consent.
- XI. The form of the celebration of Marriage.
- XII. Mixed marriages. Summary table.
- XIII. Marriage and religion. The dignity of Christian Marriage. Obedience to the Church's teaching. Preparation for marriage.

I

The solemn teaching of the Church. The Church teaches solemnly that:

- (1) Matrimony is a Sacrament instituted by Christ.
- (2) It confers grace.¹
- (3) A Christian is forbidden by divine law to have several wives at the same time.²
- (4) The Church has power to create impediments making it unlawful or impossible for people to contract marriage in certain circumstances.³
- (5) The marriage bond cannot be broken by adultery.⁴
- (6) The marriage bond cannot be broken by heresy, difficult cohabitation, or desertion.⁵
- (7) The Church has power to grant a separation of husband and wife, i.e., permission to live apart, but not to contract a new marriage while both parties are still living.⁶
- (8) Clerics in Holy Orders, and religious who have taken a solemn vow of chastity, cannot contract a valid marriage.⁷
- (9) Marriage not yet consummated is dissolved by the solemn religious profession of either party.⁸

II

The Sacrament defined. Its ministers and its subjects.

THE SACRAMENT DEFINED. Matrimony is the Sacrament which unites a Christian man and a Christian woman as husband and wife, and gives them grace to fulfil the duties of the married state. It is a sacred covenant, i.e., a binding agreement, by which two baptised persons, a man and a woman, undertake to live faithfully and affectionately together as husband and wife from that moment forward until parted by death, and to rear their children in the love and service of God.

Sacramental Marriage and Natural Marriage. Between a couple both baptised, a valid marriage is always a Sacrament, whether they know it or not.⁹ When one or both are unbaptised, marriage is not

¹ Nos. 1 & 2: Trent: DS 1801

² Trent: DS 1802

³ Trent: DS 1804

⁴ Trent: DS 1807

⁵ Trent: DS 1805

⁶ Trent: DS 1808

⁷ Trent: DS 1809

⁸ Trent: DS 1806. A marriage is consummated after the man and the woman have actually lived together as husband and wife.

a Sacrament, but a natural contract, also recognised by God and the Church. A natural marriage is transformed into a sacramental one upon the baptism of both partners, or—if one is already baptised—the other partner.

ITS MINISTERS AND ITS SUBJECTS. The contracting parties themselves are, at the same time, the Ministers and the Subjects of the Sacrament. At the marriage there is a mutual giving and a mutual acceptance:¹⁰ under the former aspect, the contracting parties are the Subjects of the Sacrament; under the latter they are its Ministers. Therefore, the priest or deacon who assists at the marriage is not its Minister, but is present as the Church's official representative.

III

Differences between Marriage and other contracts. The nature of the bond. The effects of the Sacrament. The obligations it imposes. Marriage and society.

DIFFERENCES BETWEEN MARRIAGE AND OTHER CONTRACTS. At the most basic level, marriage is a type of contract, since it is an agreement entered into by two people. However, whereas a contract is an exchange of *things*, a covenant, in a certain sense, is an exchange of *persons*. What a man and woman promise to each other in marriage is not just an agreed amount of time, services or goods; rather, they give *themselves* to each other. There are other differences also: (1) Marriage is a sacred and religious contract, not merely a legal convention. (2) Marriage is also a natural contract—not established by man, but by God. (3) At times, contracts can be sealed by legal guardians or representatives, but marital consent must be given by the parties themselves. (4) Some contracts can be changed by law or by agreement, but neither Church, nor State, nor the parties themselves, are free to change the essential properties of marriage. (5) Unlike other contracts, marriage cannot be terminated by mutual agreement.

THE NATURE OF THE BOND: MARRIAGE A COVENANT IN CHRIST AND THE CHURCH. In the Old Testament, marriage was established by God as a sacred, exclusive and permanent partnership between a man and woman—ordained to procreation, mutual help and right ordering of carnal instincts. However, both Jews and pagans fell into divorce and polygamy, which God tolerated until the coming of the Redeemer, who restored marriage and elevated the covenant of marriage to the dignity of a Sacrament. Revelation teaches that between two baptised people, such a covenant is now a living image of the everlasting covenant between Our Lord Jesus Christ, the Divine Bridegroom, and His Immaculate Bride, Holy Church—a marriage He began at the Incarnation and consummated upon the Cross. It is St Paul who develops this significance of marriage as a union of love which mirrors the Christ-Church relationship.¹¹ Just as the nuptial union of Christ with His Bride the Church (a) is born of that generous *self-giving*, (b) through which Jesus of His purest and overflowing love gives Himself *forever* (c) to *one* Spouse alone, (d) to make her *fruitful*, till the entire Body of the faithful is built up:—so Christian Marriage (a) is born of that mutual *self-giving* expressed externally in the marriage vows and in the marital union of flesh thereafter, (b) through which an *indissoluble* bond is set up, lasting until death, (c) shared exclusively by this *one* man and this *one* woman, (d) who, as servants of God, will *bring forth children* for the formation and increase of God's family in the Kingdom of Heaven.

THE EFFECTS OF THE SACRAMENT. Matrimony, being a symbol of Christ's union with His Church, manifestly presupposes the state of grace in its recipients. Those who receive it worthily obtain (1) an increase of Sanctifying Grace, and (2) the Sacramental Grace of the sacrament: a grace of conjugal union, elevating their natural mutual inclination, and orienting them to the supernatural virtues and operations that will perfect their union and life together. The Sacrament "adds special gifts, good impulses, and seeds of grace, amplifying and perfecting the powers of nature".¹² The Sacramental Grace gives an increase in the virtues of charity and justice, and is a remedy for concupiscence (disordered desire). It also gives a right to all the actual graces necessary for faithfully performing the duties of the married state.

It would be a very grave misfortune if one were to receive the Sacrament of Matrimony while stained with mortal sin. The marriage bond would indeed be valid, but devoid of grace. It is

⁹ Leo XIII, *Arcanum divinae sapientiae*, Encyclical on Christian Marriage, 1880: DS 3145-6

¹⁰ In technical terms, the mutual giving is the "matter", the mutual acceptance the "form".

¹¹ See Eph 5:21-33.

¹² Pope Pius XI, *Casti Connubii*, 1930, Encyclical on Christian Marriage, Part I: DS 3714

commonly held, but it is not absolutely certain, that, on a subsequent recovery of Sanctifying Grace, the sacrament “revives”, and gives one a title to the actual graces referred to—though, perhaps, not as full a title as worthy reception would have given. But who would face such a risk, and think of offering a gross insult to God at the very outset of one’s career? Who would think of entering sacrilegiously a state of life on which the salvation of many souls may depend?

THE OBLIGATIONS IT IMPOSES. *The duties of the husband and wife to one another.* The primary duties of husband and wife to one another bind under pain of mortal sin. They must help one another to lead good Christian lives, and support one another in the necessities and duties of life. They should share any riches with each other, and, if necessary, be willing to share any poverty. The marriage vows express this mutual support, sharing and fidelity: “I take you ... to have and to hold, from this day forward, for better, for worse, for richer, for poorer, in sickness and in health, till death do us part.”

Men and women are equal in personal dignity, but as husbands and wives, and fathers and mothers, are different and complementary in their roles or function within the family. To the husband, God has entrusted the headship in marriage. A wife should submit to her husband as the head of the household, and the husband should love his wife as much as himself: the Holy Spirit says, “Wives, be subject to your husbands, as to the Lord. For the husband is the head of the wife, as Christ is the Head of the Church, His Body, and is Himself its Saviour. As the Church is subject to Christ, so let wives also be subject in everything to their husbands. ... Even so husbands should love their wives as their own bodies. ... For no man ever hates his own flesh, but nourishes it and cherishes it”. “Husbands, love your wives, and do not be harsh with them.”¹³ A misunderstanding of the nature of authority leads some to contradict or ignore these texts of Sacred Scripture relating to spouses. To appreciate the Apostolic teaching, we must realise that the headship of a husband is not that of a tyrant, but of one who devotes himself to the good of his wife and of their marriage and family, in imitation of Christ who laid down His life for His Spouse: “Husbands, love your wives, as Christ loved the Church and gave Himself up for her”.¹⁴ The husband’s headship is not the privilege of getting his own way, but the responsibility of leadership for the good of the couple. In other words, his authority is ordered toward service. If, for whatever reason, he cannot fulfil his responsibility, the duty devolves on his wife. Both are equally bound to each other in the duty of dwelling together, and the duty of marital affection: again, the Holy Spirit says, “husbands, live considerately with your wives”; “Train the young women to love their husbands”.¹⁵ The marriage vows demand absolute loyalty in affection and intimacy. Spouses are seriously bound to avoid anything that can endanger their mutual fidelity.

The actual grace that flows from the Sacrament enables them to discharge these duties. It strengthens their mutual love and loyalty; it fosters in them the spirit of patience and unselfishness; it gives them constant help to lead holy lives, to give good example to one another, and thus save their souls.

Their duties to their children. As parents, husband and wife are bound to provide for the physical well-being of their children, but are far more strictly bound to provide for their spiritual needs: they should make the home a place of peace and holiness, a true nursery of the Church. They should bring up their children in the love and service of God, and give them a truly Catholic education. Within the home, they must teach the love of neighbour, as manifested by rules of politeness, by self-control, performance of duty and acts of kindness and consideration. They must furnish the home with good wholesome literature, and religious books and magazines. They must forbid any literature, television or films stained by vanity, graphic violence or lust. They should promote family unity by regular contact with relations, they should foster friendship with other good Catholic families, and avoid bringing into the sanctuary of the home anyone or anything that threatens Catholic family life. Daily prayer, ideally the Rosary, is a source of great blessing for the family. Parents can lead their children, too, in bed-time prayers. In short, in spiritual things, parents have the duty to teach their children, give them good example, and pray for them.

The actual grace parents receive through the Sacrament enables them to fulfil these important obligations. It encourages habits of thrift and industry so that they may better provide for the material needs of the household. It gives them divine light and guidance, a great tenderness, patience, and love, so that they may help to save the souls of their children. In a family, the spouses’ first duty

¹³ Eph 5:22-4, 28-9; Col 3:19

¹⁴ Eph 5:25

¹⁵ 1 Pet 3:7; Titus 2:4

is to each other and to their children. Any service rendered to others should never interfere with their primary duties.

Thus, while God lays a heavy and life-long task on husband and wife, He gives them the grace to bear it. But He will increase that help and bestow it far more generously in response to fervent and constant prayer.

MARRIAGE, THE FAMILY, THE CHURCH AND SOCIETY. “Each family which gathers at the altar to share in the Sacrifice of the Mass is a strong cell in the Mystical Body, the domestic church. But such a family is also the strongest cell in society at large. The natural unit of society is the family. When families are stable and united, so the society made up of those families will enjoy stability and peace. This social sacrament of Marriage is therefore ‘social’ in the broadest sense, as the centre of Christian ministry to human society. ... People often remark on the witness value of the good Christian family as an example. But that witness goes beyond example to the very structure of society and the positive contribution offered to society by people who are mature and secure because they were formed in a Christian home. In such a domestic church we also find the transmission, not only of Catholic morality, but also of the rich heritage of culture and civilization which the Church has nurtured over the centuries.”¹⁶ Indeed, the Church has been described as ‘the family of the families of God’.¹⁷

IV

Marriage is a Sacrament instituted by Christ.

PROOF FROM THE SOLEMN TEACHING OF THE CHURCH. The Church, in the solemn exercise of her infallible authority, declares the institution of the Sacrament of Matrimony by Christ to be a doctrine given to her by God Himself. This proof suffices for Catholics. The following proofs are added for fuller instruction.

PROOF FROM SACRED SCRIPTURE. St Paul says: “the husband is the head of the wife as Christ is the Head of the Church ... Husbands, love your wives, as Christ loved the Church and gave Himself up for her, that He might sanctify her ... This [namely, Marriage] is a great mystery, and I mean in reference to Christ and the Church”.¹⁸ According to these inspired words of the Apostle, Christian Marriage is to be regarded as an image, reflection, or sign of the union between Christ and the Church. Hence, Christian Marriage must be a holy union, pleasing to God, and, therefore, blessed with the gift of Sanctifying Grace. Christ Himself, through whom all grace comes to us, must have attached to it the power of conferring such a gift. Christian Marriage has, therefore, all the requisites of a sacrament: (1) it is an outward rite, because the marriage covenant is made outwardly in words or their equivalent; (2) it signifies Sanctifying Grace, because it signifies what is most holy, namely, the union of Christ with the Church; (3) it gives, by the appointment of Christ, the grace it signifies.

PROOF FROM TRADITION.

- In the fifth century, the doctrine that Marriage is a sacrament was universally admitted: (a) It was taught expressly by St Augustine, who shows that Matrimony, like Baptism and Holy Orders, is a permanent source of grace.¹⁹ (b) It is held by all the non-Catholic Eastern Churches who separated from Rome in this period.
- Representations found in the Catacombs, dating from the fourth century or earlier, prove that marriage between Christians was regarded as a sacred rite. In one of these ancient memorials, a sarcophagus found in the Villa Albani, Rome, Christ is seen behind the bride and groom, and the inscription says, “Almighty God bound them together in sweet Matrimony”.²⁰
- Tertullian c. 200-6 writes to his wife, “How shall we be able to describe the happiness of that marriage which the Church performs, the sacrifice ratifies, the blessing seals, the angels declare and the [Heavenly] Father recognises?”²¹
- At the end of the first century, St Ignatius of Antioch testifies to the sacred character of Matrimony thus: “It is right for men and women who marry to be united with the consent of the bishop, that the marriage may be

¹⁶ P.J. Elliott, *What God Has Joined: the Sacramentality of Marriage*, Alba House, N.Y. 1990, pp.224-5

¹⁷ Ibid. p.225

¹⁸ Eph 5:23-32. “This (i.e., Marriage) is a great Sacrament” (Douay). - This sentence alone in the Douay translation is not in itself a proof of our doctrine. “Sacrament”, in the language of St Paul, meant “something holy and mysterious”; it had not yet arrived at its technical meaning.

¹⁹ *The Good of Marriage*, 18, 21; 29, 32; *Marriage and Concupiscence*, I, 11, 13; 21, 23; *On the Gospel of John*, tract 9, sect. 2

²⁰ L. Hertling S.J. & E. Kirschbaum S.J., *The Roman Catacombs and their Martyrs*, DLT, London 1960, p.242

²¹ *To My Wife*, 2, 9 (2, 8)

according to the Lord and not according to lust”,²² i.e., marriage is not a mere business agreement, or a compact suggested by low desire; it is something sacred, because, according to Ignatius, it ought to receive the approval of the bishop, and thus be made pleasing to God.

ARGUMENT FROM REASON.

(a) *Marriage, an unbreakable bond.* Christ, as we shall see in Section V, declared marriage to be an unbreakable bond. This doctrine being admitted, reason demands that marriage should be a sacrament. It is undeniably a solemn and exacting moment, under any circumstances, when a man and woman deliberately surrender themselves, body and soul, to the keeping of each other while life shall last; and this (reserving the supreme claim of duty to the Creator) is the matrimonial contract. But who would be encouraged to make themselves over, without condition or stipulation, to a fallible being—and not for a season, but for life? The mind shrinks from such a sacrifice, and demands that, as religion enjoins it, religion should sanction and bless it. It instinctively desires that either the bond should be dissoluble, or that the subjects should be sacramentally strengthened to maintain it.²³

(b) *Marriage, the foundation of the Christian home.* The Church depends, for her continued existence and normal increase, on the offspring of Christian parents; they are her agents in the education of her children. The Christian home, when it is all that it should be, is truly the domestic Church. There the children get their first knowledge of God, the Creator of Heaven and earth. They are told that it is God who has given them to their parents, and made their parents love them. They learn how Christ was born at Bethlehem, and how He died on the Cross for us. They are taught how to pray. Their parents show them by the example of their lives what religion really means in practice, and give their character a bent for holiness. They lay in them the foundations of a good Catholic life. Nor does the influence of the Christian home cease with infancy: while the children are approaching manhood or womanhood, virtuous parents help to keep them from evil company and temptation. They guide them in the choice of career. They are at all times the children’s sincere friends and advisers. In brief, as long as they live, they try to keep and guard their children for God. The Christian home thus forms a most important part in the plan of Christ for the salvation of souls. It is, therefore, a reasonable conclusion that He must have blessed marriage in a very special way; that He must have attached Sanctifying Grace and special gifts to the marriage pact, and a right to all the actual graces necessary for its worthy fulfilment; in other words, that He must have elevated marriage to the dignity of a sacrament.²⁴

V

The unity and indissolubility of Marriage.

These are the two essential *properties* of Marriage.²⁵

THE UNITY OF MARRIAGE. The unity of marriage consists in having only one man and one woman as partners to the covenant.

The unity of marriage is opposed to polygamy and polyandry. Polygamy means having two or more wives at the same time; and polyandry, two or more husbands. The latter has never been expressly condemned by the Church for the sufficient reason that even pagans regard it as an abomination. The former was tolerated or permitted during the age of the Patriarchs and under the imperfect Mosaic Law, but, under the New and perfect Law, it was abolished by Christ when He said to the Pharisees: “Whoever divorces his wife and marries another, commits adultery against her; and if she divorces her husband and marries another, she commits adultery.”²⁶ If then it is unlawful to marry again during the lifetime of the first partner, much more unlawful is it to have two or more marriage partners simultaneously. St Paul repeats his Master’s doctrine, and says of those not called to virginity: “each man should have his own wife and each woman her own husband ... To the married I give charge, not I, but the Lord, that the wife should not separate from her husband (but if she does, let her remain single or else be reconciled to her husband)—and that the husband should not divorce his wife.”²⁷ The practice of keeping several wives in the same household leads to many evils, the chief of which are domestic unhappiness, the absence of true home life for parents and children, and the enslavement and degradation of women.

The Protestant reformers Luther and Melancthon allowed the Landgrave Philip of Hesse in 1539 to marry another woman while his lawful wife was still alive; and some of their followers of the present day, against the clear teaching of Christ, make no difficulty in availing themselves of the same licence.

THE INDISSOLUBILITY OF MARRIAGE. Marriage is indissoluble or unbreakable, i.e., the bond of valid marriage cannot be undone either by the contracting parties themselves or by any merely human power. This is true of all marriages, whether between Catholics, baptised non-Catholics, or pagans.

²² *Ep. to Polycarp*, 5

²³ Cf. J.H. Newman, *Callista*, start of ch. 11.

²⁴ Cf. Encyclical of Pius XI on the Christian Education of Youth, *Divini Illius Magistri*, 1929.

²⁵ Cf. above, “The solemn teaching of the Church.” Cf. Can. 1056.

²⁶ Mk 10:11-12; cf. Lk 16:18.

²⁷ 1 Cor 7:2, 10-11

“What therefore God has joined together”, says Christ, “let no man put asunder.”²⁸ It is more plainly so with Christian Marriage, which is an image of the indissoluble union between the Lord Jesus and His Church. To say that a consummated sacramental marriage could be dissolved is equivalent to saying that Jesus could sever Himself from His Church and abandon her.

The Pharisees asked our Lord: “Is it lawful to divorce one’s wife for any cause?” He answered, ‘Have you not read that He who made them from the beginning made them male and female, and said, ‘For this reason a man shall leave his father and mother, and be joined to his wife, and the two shall become one.’? So they are no longer two but one. *What therefore God has joined together, let no man put asunder.*’ They said to Him, ‘Why then did Moses command one to give a certificate of divorce, and to put her away?’ He said to them, ‘For your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so.’”²⁹ By these words Christ abolished the permission for divorce given under the Old Law.

Objection. Having expressed Himself in the words quoted above from St Matthew, Christ continued thus: “And I say to you, whoever divorces his wife, *except for unchastity*, and marries another, commits adultery.”³⁰ The Greek Orthodox and other non-Catholic Eastern Christians, and most Protestants, argue from this that marriage may be dissolved because of adultery—but this interpretation is impossible, since:

- (1) it is condemned by the Church’s solemn teaching.
- (2) the very next sentence shows that the Lord does not regard the marriage as over: “he who marries a divorced woman commits adultery”.³¹
- (3) it is opposed to the clear statements of Our Lord made elsewhere. In Luke 16:18 and Mark 10:11-12, Jesus says plainly, “Whoever divorces his wife and marries another, commits adultery”.
- (4) it is opposed to the teaching of St Paul in 1 Cor 7:10-11 quoted above; also 1 Cor 7:39; Rom 7:2-3.
- (5) if it were correct, it would encourage an unhappy spouse to commit adultery, since it would allow not only the innocent but the guilty party to marry again.³²

How, then, is the text to be interpreted? What did our Lord mean by saying, “except for unchastity”? The Church has ruled out any interpretation which would allow divorce and remarriage, but has not given any definitive explanation. A number of explanations are possible, among which are the following:³³

- (a) The clause, “except for unchastity” is an aside, a mere passing comment on the words, “whoever divorces his wife”,—so that the meaning is: “whoever puts away his wife—a proceeding justified by her unchastity—and marries another, commits adultery.” In other words, a separation from bed and board may be permitted, but not another marriage. This is the interpretation of St Jerome, St Augustine and St John Chrysostom, among others.
- (b) Our Lord was referring to the “unchastity” of concubinage, which means a marriage that is not genuine and does not bind its partners in a definitive fashion.
- (c) The Greek word for “unchastity” used here—*πορνεία* (*porneia*)—refers to the unchastity of an incestuous marriage, a marriage contracted within the degrees of kinship forbidden by Leviticus 18. Anyone involved in such a marriage would be entitled to put away his putative “wife”, and remarry according to the law of Christ.³⁴ (This is probably the meaning also of the word “unchastity” [*porneia*] in Acts 15:29 where the Apostles instruct the Gentile converts about what part of the Mosaic Law still binds).

THE FATHERS ON INDISSOLUBILITY. The early Fathers are unanimous on the permanence of marriage. The only discordant texts are in an anonymous writer known as Ambrosiaster, and one ambiguous and perhaps spurious passage in St Epiphanius.³⁵ By taking certain other quotes of the Fathers out of context, it is easy to present a good-looking argument that the Fathers did not hold the teaching of the Catholic Church. We cannot answer all such arguments here, but suffice to say that learned books such as those given in the footnote have taken all relevant texts into account.

VI

The qualities of married love. The purposes and goods of marriage. Sins against marriage.

²⁸ Matt 19:6

²⁹ Matt 19:3-8

³⁰ Matt 19:9. Almost the same sentence occurs in Matt 5:32.

³¹ Matt 19:9; 5:32

³² Cf. St Jerome, *Commentary on Matthew*, III, ch. 16, v. 19.

³³ At least twelve have been proposed, not all of them acceptable to the Catholic Church. Cf. R.F. Collins, *Divorce in the New Testament*, Minnesota 1992, pp.199-205.

³⁴ The interpretation proposed by J. Bonsirven S.J. in his French work, *Mariage*, 1948. It has been followed in several translations of the Bible into various languages.

³⁵ Cf. G.H. Joyce S.J., *Christian Marriage*, Sheed and Ward, London 1948, pp.304-31; H. Crouzel S.J., *L'Église primitive face au divorce* (The Early Church and Divorce) Beauchesne, Paris 1971.

QUALITIES OF MARRIED LOVE. “Truly, conjugal love most clearly manifests to us its true nature and nobility when we recognise that it has its origin in the highest source, as it were, in God, Who ‘is Love’ and Who is the Father, ‘from Whom all Fatherhood in heaven and on earth receives its name’.”³⁶ Pope Paul VI spells out the qualities of married love: (1) Married love is *human*, and therefore both of the senses and the spirit. Hence, it is a product not only of natural instinct and inclinations; it also and primarily involves an act of free will. Through this act of free will, the spouses resolve that their love will not only persevere through daily joys and sorrows, but also increase. (2) Conjugal love is *total*; it is a very special form of personal friendship whereby the spouses generously share everything with each other without undue reservations and without concern for their selfish convenience. The spouses love each other, not just for what each receives from the other, but for the other’s sake. (3) Conjugal love is *faithful* and *exclusive* to the end of life. Such indeed is how the bride and groom conceive marriage when they take their vows. (4) Married love is *fruitful*, since the whole of the love is not contained in the communion of the spouses, but looks beyond itself and seeks to raise up new lives.³⁷ “The institution itself of marriage and married love are ordained by their very nature to the procreation and education of children and in them it reaches its crowning glory.”³⁸ “Offspring are indeed the supreme gift of marriage and contribute immensely to the good of the parents themselves.”³⁹

THE PURPOSES OF MARRIAGE. God has implanted a natural instinct in both sexes for close companionship and intimacy, which leads naturally to marriage. In marriage, man and woman give and receive mutual help in sharing and bearing the duties and difficulties of life. In this union, they satisfy the natural desire to found a family and to bestow their love and the best of what they have upon their children, born as the fruit of their love. Further, within marriage, human passions are well-directed and elevated to a noble purpose.

THE GOODS OF MARRIAGE. St Augustine writes, “These are all the blessings of marriage, on account of which marriage itself is a blessing: offspring, conjugal faith and the sacrament.”⁴⁰

Children. God’s original command, “Be fruitful and multiply” (Gen 1:28), makes of man and woman in wedlock His co-operators in the creation by His omnipotence of new human beings. As Christian parents, they are called not merely to preserve and propagate citizens of earth, but children of God and citizens of Heaven—man’s true destiny. The Church commends and encourages the generosity of those couples who have a large family.⁴¹

Faith. Faith here means conjugal fidelity, the faithful pledging of conjugal union in one flesh by husband and wife to each other, and to no other. The blessing of fidelity is guaranteed by unity, chastity, charity and honourable submission.

Sacrament. The blessing of the sacrament includes both *indissolubility* and *grace*. The ultimate foundation for this unbreakable perpetuity of consummated Christian Marriage is its mystical signification of the union between Christ and the Church. The grace of this sacrament “perfects natural love, confirms an indissoluble union, and sanctifies the married couple.”⁴² The indissolubility of the marriage is the guarantee of the permanent availability of the grace. Marriage “is a sacrament like to that of the Eucharist, which is a sacrament not only when it is being conferred, but also whilst it endures; for as long as the married parties are alive, so long is their union a sacrament of Christ and the Church.”⁴³

SINS AGAINST MARRIAGE. It is only in the light of the permanent, faithful and fruitful union between Christ and His Spouse the Church, of which Christian marriage is the image, that one can properly evaluate sins against Marriage.

Adultery and Infidelity; Desertion of a faithful spouse. To say that infidelity or adultery, or desertion of a faithful spouse, is admissible in marriage is to say that Christ could withdraw His love, betray or

³⁶ *Humanae Vitae*, Pope Paul VI, 1968, art. 8. Cf. 1 Jn 4:8; Eph 3:15.

³⁷ Cf. *Humanae Vitae*, art. 9.

³⁸ *Gaudium et Spes*, Vatican Council II, 1965, art. 48

³⁹ *Gaudium et Spes*, art. 50

⁴⁰ *The Good of Marriage*, 24, 32. Cf. Encyclical of Pius XI, *Casti Connubii*, 1930.

⁴¹ Cf. *Gaudium et Spes*, art. 50; CCC 2373.

⁴² T 1799

⁴³ St Robert Bellarmine, *The Controversies*, vol. III, *Marriage*, controv. II, ch. 6

abandon His Church, violate the covenant He made with her, and renege on His promise to be with her all days.

Contraception. To say that a husband and wife could licitly render their conjugal acts sterile is to say that Christ could render the Sacraments unfruitful and sterile by depriving them of the power to confer the divine life of grace.

Sterilisation. To say that a husband or wife could licitly be sterilised is to say that Christ could sterilise the Church or destroy a healthy member of His Body, the Church.

VII

Dissolution. Separation. Divorce. Annulment. The Pauline privilege. The privilege of the faith.

DISSOLUTION. The Church never dissolves, and has never claimed power to dissolve, a marriage entered into by two Christians, if the parties have actually lived together as man and wife. Canon 1141 declares: “A **ratified and consummated marriage cannot be dissolved by any human power or by any other cause than death.**” ‘**Ratified**’ means ‘**sacramental,**’ i.e., because both parties **are baptised.**

SEPARATION. The Church sometimes permits a *separation* of husband and wife because of cruelty or adultery, but cannot permit either to marry again during the lifetime of the other. “Though it be allowed, because of adultery”, says Pope Eugene IV (1431-47), “to obtain a separation, it is not permissible to contract a new marriage, since the bond of lawful wedlock is perpetual.”⁴⁴ Permission to separate is obtained from the local Bishop, but one may leave upon one’s own authority if there is danger in delay.⁴⁵ Other causes also justify a separation of husband and wife: leaving the Catholic Church to join a non-Catholic denomination; denying the children a Catholic upbringing; living a criminal and ignominious life; causing grave danger to soul or body of the partner. In all these cases, however, if the evil ceases, conjugal life must be resumed. To separate from one’s lawful spouse for good reason is no sin; sometimes it is a moral necessity. Even so, one must separate with a view to a future reconciliation if and when possible.⁴⁶ It is best to consult with the Bishop or one’s pastor before taking any steps to leave one’s spouse, in order to attempt a reconciliation and to avoid rash decisions that have more harmful results in the long term.

DIVORCE. The State, needless to say, has no power to dissolve the marriage bond *even between non-Catholics, whether baptised or unbaptised.* After a separation of husband and wife, the parties may apply to a civil court, and go through a form of so-called divorce, but merely to secure the protection or aid of the civil law in regard to property, maintenance, and the custody of the children.⁴⁷ To seek a civil “divorce” for good reason is no sin. Again, it is wise to consult the Bishop or pastor before making such a serious move. A separated or divorced person is morally bound to avoid dating or company-keeping that would be a temptation to seek entrance into a new and invalid union. Such conduct is a source both of temptation and of scandal. A separated or deserted spouse who remains faithful is also a very important witness to Christ and Christian Marriage.

“ANNULMENT” OR DECREE OF INVALIDITY. An ecclesiastical marriage tribunal may decide, after detailed examination, that a marriage apparently valid is not really so.⁴⁸ This decision cannot be spoken of as a dissolution of the marriage. It is a *declaration of invalidity*, i.e., a declaration that in fact, from the very start, there was *no* marriage tie in the particular case, because of the absence of some condition necessary for validity. This is what is commonly called an “annulment”—but more correctly, a declaration of nullity. No marriage is being *made* null; rather, it is being declared never to have existed, to have been null and void from the beginning. To be declared null, it must be ascertained that some essential element was missing *on the wedding day itself.* Whatever happens afterwards is irrelevant, except insofar as it manifests what was missing on that day. This book cannot present the complex process of ascertaining nullity. When the need arises, recourse must be had to those people appointed to handle cases. A person whose marriage has been declared null is free to marry again, *provided there is no continuation or repetition of the very defect (or some other*

⁴⁴ *Decree for the Armenians:* Florence: DS 1327

⁴⁵ Can. 1153 §1

⁴⁶ Can. 1151-1155

⁴⁷ Can. 1154

⁴⁸ Can. 1671-1691

defect) which would make a new marriage also null. Moreover, he or she must discharge the natural obligations of the previous union, i.e., look after one's children and ensure that the former partner is not reduced to poverty. A decree of nullity will also note if one of the parties is forbidden to marry until certain conditions are met.

THE PAULINE PRIVILEGE. A marriage between two unbaptised persons is sacred, but is not one of the seven Sacraments. In such a marriage, if one party becomes a Catholic, and the other refuses to live in peace with the convert, the Catholic may seek permission from the local Bishop to make use of the Pauline privilege.⁴⁹ By this privilege, the Catholic party may seek freedom to enter into a new marriage with another person, by which the first non-sacramental marriage is at once dissolved. This is called the Pauline privilege, because it is fully set forth by St Paul in 1 Cor 7:12ff. He introduces it with the words, "I say, not the Lord", i.e., "I do not quote the words of Christ, but I speak as an Apostle with His authority." Under the Pauline privilege, therefore, it is not man that "puts asunder", but God. Before it can be invoked, the converted party must inquire of the other (1) whether he or she is willing to become a Catholic, and, if not, (2) whether he or she promises to live in peaceful wedlock without insulting or attacking the Catholic religion of the partner. It is only when a negative answer is returned to both questions that the Catholic partner can be granted the privilege.

THE PRIVILEGE OF THE FAITH. In certain cases, by the "privilege of the faith", sometimes called the Petrine privilege, a marriage in which one of the parties is unbaptised "can be dissolved by the Roman Pontiff in virtue of his ministerial power"⁵⁰ (i.e., his power as vicar of Christ), thus freeing the parties to marry again.⁵¹ This privilege is not available to those who have received a dispensation to enter a natural bond of marriage in the Catholic Church.

Non-consummation. If a couple enter marriage but do not live together as husband and wife, the marriage may be submitted to the Pope for dissolution, should there be a just cause.⁵²

VIII

The Church's exclusive control over Christian Marriage. The rights of the State. Civil marriage and divorce.

THE CHURCH'S EXCLUSIVE CONTROL OVER CHRISTIAN MARRIAGE. Matrimony is a Sacrament; the Church is, therefore, its sole custodian. She has always claimed the right to determine the conditions under which a marriage may be contracted lawfully or validly.⁵³ (Without entering into the historical question, we find her asserting her claim as far back as c. 300 A.D. at the Council of Elvira, a local council, in Spain. A claim made at such an early date, and frequently repeated in subsequent years, must have been based on the authority of the Apostles). Reason itself approves this doctrine: in secular matters, in order to safeguard the temporal welfare of its citizens, the State frequently requires certain conditions as necessary for a lawful or valid contract, and no one questions its right to do so. Thus, e.g., we find that, in many countries, with a view to protecting minors from unscrupulous money-lenders, the State enacts that debts incurred by them have no force in law; or the State may declare a contract null under the law of equity, or null for lack of witnesses or lack of clarity. So, too, as regards the matrimonial contract, the Church, in defence of higher interests, must possess a similar power to require conditions for validity or liceity.

THE RIGHTS OF THE STATE. The State has no rights except in regard to what is extrinsic to the Sacrament: e.g., it can require that it be notified when a marriage takes place; it can give a wife exclusive ownership of her dowry, where applicable; and, on the death of one partner, it can apportion the property among the surviving spouse and children.

CIVIL MARRIAGE. Between Christians, whether Catholic or non-Catholic, marriage is always a religious act and always a Sacrament. For them there is no such thing as a non-sacramental marriage.⁵⁴ The practice of wedding in the presence of a secular magistrate began in 1792 under the revolutionary government of France, was retained under Napoleon I, and thereafter spread widely through Europe and beyond. It was repeatedly condemned by the Supreme Pontiffs.

⁴⁹ Can. 1143-1147

⁵⁰ Pope Pius XII, Allocution to the Holy Roman Rota, 3 Oct. 1941

⁵¹ Cf. Can. 1148-1150. J. Abbo & J. Hannan, *The Sacred Canons*, Herder 1960, vol. II, p.391; L. Chiappetta, *Il Codice di Diritto Canonico* (Code of Canon Law) Dehoniane, Roma 1996, vol. II, pp.412-5

⁵² Can. 1142

⁵³ See opening section above, "The solemn teaching of the Church" (4).

⁵⁴ Leo XIII, *Arcanum Divinae Sapientiae*, 1880: DS 3145-6

- (a) As regards *Catholics*, Civil Marriage or marriage in a registry office or town hall, etc., is no marriage at all. The civil law may compel them to go through a rite of marriage in the presence of a civil functionary (some time either before or after the church wedding)⁵⁵ to secure the legitimacy of their marriage in the eyes of the State, but they must regard the ceremony as only a civil formality which in no way makes them husband and wife. The civil ceremony may be necessary to ensure the protection of the civil law for spouses and children in matters of property, money and inheritance.
- (b) Between two baptised non-Catholics (*Protestants*) free to marry, the marriage vows may be taken by them anywhere (church, park, registry office, etc.) and without any witnesses. The ceremony constitutes them man and wife and confers on them the Sacrament of Matrimony.⁵⁶
- (c) As regards the *unbaptised*, in whose case there is question merely of a natural or non-sacramental marriage, it is generally held that the State may be entitled to lay down conditions even for validity, and so require, e.g., that such marriages should be contracted in the presence of its officials.

CIVIL DIVORCE. As stated above, the State has no power to dissolve any genuine marriage bond. Decrees of so-called divorce are an affront to God and an attack upon the institution⁵⁵ of marriage. Through the Prophet Malachi, God says, “the Lord was witness to the covenant between you and the wife of your youth, to whom you have been faithless, though she is your companion and your wife by covenant. ... And what does He desire? Godly offspring. So take heed to yourselves, and let none be faithless to the wife of his youth. For I hate divorce, says the Lord the God of Israel.”⁵⁷ The State may make laws to regulate property, maintenance, and custody of the children, for the benefit of those who have chosen to separate. It cannot, however, dissolve the marriage itself. Still more odious are laws whereby one spouse may unilaterally ‘divorce’ the other, even against the will of the other party. In many modern civil enactments, marriage is the only contract which may be reneged at will and routinely ‘dissolved’, regardless of the harm to men, women and children.

IX

To enter into marriage, the two partners must: (a) be legally capable (b) manifest their consent, and (c) do so in a valid ceremony. We will now consider these three requirements in turn. This section will consider the impediments to legal capability. Section X will explain the requisites of matrimonial consent. Section XI will examine the form of the celebration of marriage.

The impediments of Matrimony. Impediments, or obstacles to marriage, make a person incapable of validly entering marriage. For a marriage to be valid, *both* parties must be free of impediments. We mention the impediments below, but do not state in all cases how far the Church dispenses, or who has the authority to give a dispensation from them (e.g., one’s Bishop, or the Pope). The Church does not dispense without a reasonable cause. This outline cannot answer all questions concerning marriage laws. When the question of marriage becomes practical, timely application should be made to one’s parish priest, from whom the necessary information may be obtained. If there is any practical question or doubt, a prospective couple should see a priest or canon lawyer at the earliest opportunity, and avoid making premature plans.

The following impediments are listed in the *Code of Canon Law*.⁵⁸

Age. A man must have turned sixteen; a woman, fourteen. (In many countries this minimum age has been raised). This is meant to ensure sufficient maturity and freedom. Marriages arranged between children are valid as long as the parties themselves consent at the time of marriage itself.

Existing marriage. A person already bound by an existing marriage tie cannot marry again. From what has been said above, it is plain that this impediment is not removed by civil divorce. Entrance into a second unauthorised ‘marriage’ is mortally sinful, and bars Catholics from Holy Communion, until repentance.⁵⁹ (If the previous marriage was invalid or dissolved, this must be established in law

⁵⁵ as in Belgium, e.g.

⁵⁶ See p.***.

⁵⁷ Mal 2:14-16

⁵⁸ Can. 1083-1095, 1103. Throughout this Chapter, unless otherwise stated, we refer only to Latin (Roman) Catholics, not Eastern Church Catholics, whose marriage laws differ slightly. For any practical marriage questions, Eastern Catholics should consult their own priests.

⁵⁹ CCC 1650

before a new marriage can take place. It is not enough to be personally convinced that one's previous marriage was invalid. The so-called 'internal forum solution', by-passing the process of ascertaining nullity, is not accepted by the Church).

Consanguinity (relationship by blood). Close blood relations cannot marry validly. Divine law prohibits marriage between a parent and child. The Church has specified also that no marriage can take place between any two direct descendants (grandparent-parent-child, etc.). Nor is marriage possible between: a brother and sister; half-brother and sister; uncle and niece; aunt and nephew; first cousins.⁶⁰ A dispensation from the Church is never granted for marriage between direct descendants, or brother (or half-brother) and sister.⁶¹ Marriage between first cousins requires a dispensation from the local bishop.⁶²

These impediments arising from kinship are established partly by God and partly by the Church in order to safeguard family life. Thus the natural intimacy which develops between family members and the larger circle of relations will not go beyond its proper boundaries, and the healthy affection proper to a family will remain unaffected by the desire to find a conjugal partner within it. Further, inbreeding can result in serious genetic defects or deformities. Marriage between close relations was necessary and unavoidable at the beginning of the human race, but was closed off once the necessity had passed.

Disparity of cult. This means that one party is not a Christian. A Catholic cannot validly marry an unbaptised person unless the Bishop grants a dispensation. Conditions apply for Mixed Marriages (see below). The conditions aim at protecting the faith of the Catholic, the faith of the future children, and the harmony of the spouses.

Abduction. A woman abducted or held in order to be married cannot marry validly unless she freely chooses marriage after being separated from her abductor and established in a safe and free place.

Crime. One who kills one's own or another's spouse, with a view to marrying a particular person, cannot validly enter that marriage. Similarly, accomplices in such a crime cannot marry later on. The Church has no desire to help murderers enjoy the purpose or effects of their crime.

Impotence. If, before marriage, there is a permanent incapacity for the conjugal act, on the part of the man or the woman, the marriage is invalid. If there is a doubt about the matter, the marriage may take place.

Affinity. This refers to the relationships arising from marriage: 'in-laws', 'step-child', etc. A widow cannot marry her deceased husband's father, or her step-son. A widower cannot marry his deceased wife's mother, or his step-daughter. (In the Eastern Churches, a widow/er cannot marry a brother/sister-in-law. Further, in the Eastern Churches, *spiritual relationship* is an impediment, as it once was in the Latin Church: a sponsor or god-parent cannot marry a god-child or a parent of the god-child⁶³).

Adoption. The legal relationship arising from adoption rules out marriage between an adopted person and a direct ascendant (legal parent or grandparent), or a legal brother or sister. As with consanguinity and affinity, the Church here desires to preserve the purity of family relations.

Public propriety. When a couple live together after an invalid marriage or in a notorious or public concubinage, neither party is free later on to marry a child or parent of the former partner. This would offend against public propriety.

Holy Orders and Vows of Chastity. A deacon, priest, or bishop, or a religious man or woman who has taken a public vow of perpetual chastity, cannot validly marry while bound by that vow.

X

Matrimonial consent. Defects in consent. Public expression of consent.⁶⁴

MATRIMONIAL CONSENT. The mutual giving and receiving of consent makes the marriage. "Matrimonial consent is an act of the will by which a man and woman by an irrevocable covenant mutually give and receive one another in order to establish a marriage."⁶⁵ For consent to be valid, the couple must at the least be aware that marriage is a permanent partnership between a man and a woman, ordered to the procreation of children through their intimate co-operation.⁶⁶

⁶⁰ Can. 1091

⁶¹ Can. 1078 § 3

⁶² Can. 1078 § 1

⁶³ Code of Canons of the Eastern Churches, can. 809 §1, 811 §1

⁶⁴ Can. 1095-1107

⁶⁵ Can. 1057 §2

⁶⁶ Can. 1096

DEFECTS IN CONSENT. Consent to marriage is vitiated (rendered null) by incapacity or a serious defect in knowledge or the will:

Incapacity. Incapable of marriage are they who lack sufficient use of reason, or labour under a grave lack of due discretion, or suffer from a severe psychological illness that makes them incapable of taking on the essential duties of the married state.

Defects in knowledge. (1) Ignorance of what marriage is, as set out a few lines above, under “Matrimonial consent”. (2) Error concerning the identity of the person, or a quality of the person directly and principally intended. E.g., Marcus wanted to marry Marcia, not her identical sister, Martha! Or, Scholastica married Polycarp, only because she thought he was a soldier, when in fact he was not. Again, a marriage would be invalid if a woman is proceeding to marry her fiancé only because she falsely thinks he has finished his studies and has a job. (3) Deceit or fraud perpetrated in order to secure consent, concerning a quality of the other party which of its very nature can seriously disrupt the marriage. E.g., Lydia dishonestly said she was a practising Catholic, when Boniface said he would only ever marry such.

Defects of will. (1) Force or fear: the consent to marriage cannot be valid or genuine if extracted by force or grave fear. (2) Conditional consent: marriage is invalid if contracted subject to a condition regarding a future event. E.g., a marriage is invalid if one says, “I mean to marry you today, as long as you inherit that money some day.” If the condition regards the past or present, a marriage will be invalid if that condition in fact does not exist. (3) Simulation, total or partial: pretended consent is no consent at all. If one or both parties by a positive act of the will excludes marriage, or an essential element or property of marriage, then the marriage is invalid. Partial simulation means taking marriage vows with an intention to exclude fidelity, or permanence, or openness to having children. Total simulation exists when marriage itself is not desired, e.g., marrying purely to gain citizenship of a particular country and nothing else. Until proven otherwise, the presumption is that the parties mean what the vows say.⁶⁷

Dangers to consent also arise from pre-matrimonial contracts (fixing arrangements before the marriage in case of divorce). They spring from mistrust between couples, undermine their determination to maintain fidelity “in good times and in bad”, and weaken, if not vitiate, a genuine consent to the permanent bond of marriage. Any couple who feels the need for a pre-matrimonial contract should discuss this openly with the minister of marriage.

THE PUBLIC EXPRESSION OF CONSENT. In the marriage ceremony of the Latin Rite, the three questions put to the couple enable them to express their free consent to the essential elements, properties and duties of marriage: 1. Unity: “Have you come here freely and without reservation to give yourselves to each other in marriage?” 2. Indissolubility: “Will you honour each other as man and wife for the rest of your lives?” 3. Openness to Fertility: “Will you accept children lovingly from God, and bring them up according to the law of Christ and His Church?”

XI

The Catholic form of the celebration of Marriage. Whom it obliges. Exceptions.

NORMAL FORM OF CELEBRATING A MARRIAGE.⁶⁸ The normal form, known as the “canonical form”, is the exchange of vows in a Catholic ceremony before a Bishop or any delegated Priest or Deacon, in the presence of two other witnesses.

WHO IS BOUND BY IT. All Catholics, i.e., those baptised or received into the Catholic Church are bound to this form of marriage.

EXCEPTIONS. (1) With a dispensation given by the Bishop in special cases, a Catholic may marry a non-Catholic in a non-Catholic ceremony that is civilly recognised. This is called dispensation from canonical form. (2) Those who have formally defected from the Catholic faith are not bound by the canonical form. (3) “Extraordinary form”: when observance of the form is impossible, a Catholic may marry in the presence of two witnesses, without a delegated priest or deacon. This is permitted when there is a danger of death, or when it is judged that no delegated Catholic minister can come within one month. Such cases may arise in remote districts, or in times of persecution or warfare. In such a case, if an undelegated priest or deacon can be found, he should be asked to officiate, and

⁶⁷ Can. 1101 §1

⁶⁸ Can. 1108-1123

should send a record of the marriage to the parish priest or bishop. His presence, however, is not required for validity but for lawfulness. If no Catholic minister is available, the married couple and the two witnesses are bound to see that a record of the marriage is sent to the proper quarter.

XII

Mixed marriages.⁶⁹ A marriage between a Catholic and a baptised non-Catholic Christian is called a mixed marriage. There is “disparity of cult (worship)” where one partner is not baptised. The Church prefers that Catholics marry Catholics: to share the same religion is one less factor for division and one more factor for unity. In a mixed marriage, the division which sadly afflicts Christians can display itself in the heart of the home. Division in religion can manifest itself on Sundays and at times of family prayer: grace before meals, rosary, etc. Differences of belief can plague decisions about married behaviour, the rearing and education of children, and family priorities.⁷⁰ It is important to be realistic about such differences before entering upon a mixed marriage.

CONDITIONS FOR A MIXED MARRIAGE. Before a mixed marriage, the Catholic partner is to declare that he or she is prepared to remove dangers of defecting from the faith, and is to make a sincere promise to do all in his or her power to ensure that all the children be baptised and reared in the Catholic Church. The other party is to be informed in good time of the promises and obligations of the Catholic party.⁷¹

The Church rejoices when, in a mixed marriage, the day comes when husband and wife are one also in membership of the Catholic Church and can receive Holy Communion together at the same altar. Even should that day never come, the Church greatly appreciates the help that non-Catholic spouses give in the religious education of the children, and is very grateful when the non-Catholic partner joins the other family members at Sunday Mass, prayer, and Church activities.

To summarise:

1. *Catholic + Catholic*, in a Catholic ceremony—valid, sacramental marriage.
2. *Catholic + Catholic*, in a non-Catholic ceremony—invalid.
3. *Catholic + non-Catholic Christian*, in a Catholic ceremony—valid, sacramental marriage, but permission is required from the Bishop or his delegate.
4. *Catholic + unbaptised*, in a Catholic ceremony—valid, natural marriage, provided a dispensation is obtained from the Bishop or his delegate.
5. *Catholic + non-Catholic Christian*, in a non-Catholic ceremony—valid, sacramental marriage, provided a dispensation from canonical form is obtained from the Bishop or one who has a mandate from him.
6. *Catholic + Orthodox Christian*, in an Orthodox ceremony—valid, sacramental marriage; licit if approved by the Catholic authority; otherwise illicit but still valid.⁷²
7. *Catholic + unbaptised*, in a non-Catholic ceremony—valid, natural marriage, provided the dispensations are obtained from the Bishop or one who has a mandate from him.
8. *Non-Catholic Christian + non-Catholic Christian*, in any ceremony—valid, sacramental marriage, provided divine law is observed.
9. *Non-Catholic Christian + unbaptised*, in any ceremony recognised by the State—valid, natural marriage, provided divine law is observed.⁷³
10. *Unbaptised + unbaptised*, in any ceremony recognised by the State—valid, natural marriage, provided divine law is observed.

* * *

Divine law binds all people. *Church law* binds only Catholics. The essential divine law here, i.e., God’s law, is that both the man and woman must not be already validly married to someone else, and do not positively exclude an essential property of marriage. In marriage law, “Catholic” means someone who was baptised a Catholic or received into the Church, and has not defected from it by a formal act (Can. 1086 §1).

⁶⁹ Can. 1124-1129

⁷⁰ Cf. CCC 1633.

⁷¹ Can. 1125

⁷² Code of Canons of the Eastern Churches, can. 834 §2

⁷³ Nos. 8 & 9 apply to Protestants but not to non-Catholic *Eastern* Christians, who may be bound by their own Church’s legislation for their marriage to be valid: Code of Canons of the Eastern Churches, can. 780, 781.

XIII

Marriage and religion. The dignity of Christian Marriage. Obedience to the Church’s teaching. Preparation for marriage.

MARRIAGE BREAKDOWN AND RELIGION. In many Western countries, 1 in 3, or even 1 in 2 marriages ends in divorce. Only in God can the help and strength be found to resist the force of this plague and bad example. Among couples who go to church every Sunday, divorce occurs at the rate of about 1 in 25; and among couples who go to church every Sunday and have some time of prayer together at home during the week,—about 1 in 50. Father Patrick Peyton, the great crusader for the daily family Rosary, popularised the slogan, “The family that prays together, stays together.” God who is love, and the source of all love, teaches married couples how to love, and love faithfully. When married couples are closest to God, they are closest to each other. Their love then is built on the rock which weathers all storms. A practical fidelity to Christ and His Church is the surest guarantee for a happy and lasting marriage.

THE DIGNITY OF CHRISTIAN MARRIAGE. God consecrates the priest to be His helper on earth. He invests the priest with a share in His own divine power of mercy and forgiveness. He gives him the keys to open the Kingdom of Heaven to souls. Likewise, God blesses husband and wife to be His helpers in preparing those who are one day to stand around His throne. He lets the shadow of His creative power come down upon them. He calls them to be the living image of His own Fatherhood and Providence, and to be the instruments whereby the Kingdom of Heaven shall be peopled. Christian marriage is the foundation of the Christian home and the nursery of the Church. Marriage is a vocation to holiness. “Christian spouses, therefore, are fortified and, as it were, *consecrated* for the duties and dignity of their state by a special sacrament; fulfilling their conjugal and family mission by virtue of this sacrament, and imbued with the spirit of Christ, by which their whole lives are suffused with faith, hope and charity, they thus advance more and more upon their own mutual perfection and sanctification, and so together render glory to God.”⁷⁴

OBEDIENCE TO THE CHURCH’S TEACHING. On the subject of marriage and the preparation for it, the Church sets forth the grave obligations of husband and wife to one another and to their children. She condemns the false and shameful views that teem in the books and magazines of the modern world, and she warns us against the dangers arising from uncontrolled intimacy outside of marriage. She conveys her teaching to us through the Pope and Bishops, through the united voice of faithful theologians, and sometimes to the individual through a confessor or spiritual director. She speaks to us in the name and with the authority of her Divine Founder, our Lord Jesus Christ, who is always with her. Her teaching, therefore, is His teaching. Hence, when the Church explains the divine law in regard to marriage and the preparation for it, and declares this or that to be sinful, *all Catholics are bound to accept her ruling: to resist it is to resist God Himself*. Young people in particular should ponder this truth: at a time of crisis in their future lives, it will nerve them against the attractions of the world and the call of passion, and will save them from a shameful betrayal of their Redeemer.

PREPARATION FOR MARRIAGE. The best preparation for marriage, apart from the fulfilment of one’s particular religious duties, is a life of chastity and the faithful fulfilment of one’s daily duties. A lazy and selfish life is no preparation for the generosity and sacrifices demanded of spouses. Unchastity before marriage can weaken one’s ability to promise chastity within marriage. A Catholic who has not been confirmed should endeavour to receive this sacrament before marriage, if possible. To receive the sacrament of marriage itself fruitfully, spouses are earnestly recommended to go to Confession beforehand.⁷⁵

The choice of marriage partner should be based on the *virtues* of the other person. Merely external and worldly qualities and talents must never be the chief factor. Affection and passions come and go; the attachment must be founded upon virtue and love, which is the desire for the true good of another. Married love, as St Thomas says, is the highest form of friendship.⁷⁶ The love between husband and wife leads them to desire the happiness of each other, even more than their

⁷⁴ *Gaudium et Spes*, art. 48

⁷⁵ Can. 1065

⁷⁶ *Summa Contra Gentiles*, Bk 3, ch. 123

own. Of a potential partner, one must ask oneself: will this person be a good father or mother to my children?

The most serious step in life is Ordination or Marriage. In each case a grave obligation is assumed which, if not fulfilled, will bring down a terrible judgement, because the souls of others are involved. Neither should be approached without prudent advice, calm reasoning, and fervent prayer. Marriage is the making or marring of life: a wise marriage may bring earthly happiness and will set one on the road that leads to heaven; a foolish marriage will certainly bring suffering and sorrow, and may lead to hell. No one should speak flippantly of marriage, or treat it as a subject of levity. Such idle talk produces false and harmful notions. It distorts the judgement and may issue in the gravest unhappiness. It is encouraged by the dread enemy of the human soul, working through suggestive films, novels, and magazines, and is a gross irreverence to the great Sacrament which Christ has founded. One of the consequences of Original Sin is the escape of the passions from the natural control of reason. Many people are inclined to look at marriage from a merely natural standpoint, and are attached to it by worldly pleasure, which they find in the experience to be an empty illusion. The true happiness of husband and wife rests on divine grace. It consists in mutual sympathy and help in the practice of religion and in the ordinary affairs and troubles of life. It is at its highest when they see themselves surrounded by innocent children dependent on them for every care, and when they realise that they are the invisible agents of God in a great spiritual work; that He is revealing through them His love and tenderness for the little ones He has given them.

Hence, with what jealous, reverent care young people should guard their affections; in what a Catholic spirit they should spend the serious time of engagement; how well they should prepare themselves for this revered Sacrament, the symbol of the unique and fruitful love of Christ for His Spouse, the Holy Church!